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SIPDIS

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SUBJECT: NIGERIA: CONSULTANTS CONCERNED ABOUT AVIATION SAFETY

1. (SBU) Summary. Aviation consultants sponsored by the U.S. Federal Aviation Administration (FAA) recently completed an evaluation of the Nigerian Civil Aviation Authority's (NCAA) efforts to improve its safety oversight. They found few improvements since a 2001 International Civil Aviation Organization (ICAO) safety audit. Nigeria needs to implement the recommendations quickly to be prepared for another ICAO inspection in May 2003. The main concern remains lack of legislation granting the NCAA Director General autonomy over safety issues. Nigeria risks receiving another poor safety audit, which could hamper its efforts to attain Category I certification. End Summary.

2. (SBU) Four FAA-sponsored private aviation consultants came to Nigeria in March to evaluate NCAA's progress toward implementing safety recommendations resulting from a 2001 ICAO inspection and a 2002 FAA advisory visit. In its 2001 report, ICAO had voiced concern that "a large segment" of Nigeria's aviation sector was not complying with international safety standards. Last month, the FAA consultants discovered that few of the ICAO recommendations had been implemented although many are said to be "in progress." To help the NCAA prepare itself for another ICAO inspection, the consultants are designing a work plan that may receive FAA support.

3. (SBU) Next month's ICAO inspection will be an important test of Nigeria's ability to pass a FAA Category I inspection, as FAA and ICAO safety regulations are based on the same standards. For more than a year, Nigeria has been pursuing Category I certification, a designation that would permit its crews and aircraft to fly to the United States. Ethiopia, Ghana, and South Africa are the only three sub-Saharan African countries certified. Nigeria's securing the top safety ranking would boost its aviation industry and help position Lagos as a regional hub.

4. (SBU) While progress has been made toward that end, several hurdles remain. The major one is lack of legislation granting the NCAA Director General (DG) autonomy over safety issues. Under current law and practice, the Minister of Aviation retains final say on safety matters. According to NCAA staff, the Minister has overruled the DG's orders to ground aircraft for safety violations on several occasions when the offending airline was politically well connected.

5. (SBU) Action on legislation granting independence to the NCAA has been pending for months at the Ministry of Justice. Following ministerial approval of the bill, it will be sent to the National Assembly. To ensure that its provisions comply with international standards, the FAA consultants sent Aviation Minister Kema Chikwe a memo on March 13 specifying provisions to make NCAA autonomous.

6. (SBU) Even if a law were enacted granting NCAA autonomy, Nigeria might still not pass an FAA inspection because Nigeria lacks certified cabin and operation safety inspectors. Its aviation inspection office is understaffed, and its few inspectors are not certified internationally to conduct inspections of the most common aircraft operating in country. During a March visit to Abuja, Kevin Sample, Senior DOT Advisor, told Minister Chikwe that the USG can provide

training to remedy this deficiency. Such training would be desirable since the FAA consultants have suggested that the DG be allowed to approve necessary training. All training requests require the Minister's approval. On several occasions, employees were unable to secure timely approval and consequently could not enroll in desired courses.

17. (SBU) Besides identifying the major hurdles - lack of an independent NCAA and qualified inspectors - the FAA consultants highlighted NCAA organizational deficiencies that weaken its ability to provide effective safety oversight. Among their chief concerns are the NCAA's lack of financial resources and inefficient use of personnel. While the NCAA charges various user fees, these funds go straight to the federal treasury; consequently, the NCAA relies on Ministry of Aviation budget allocations. To ensure adequate funding for oversight, the FAA consultants proposed that NCAA have access to budgetary funds without ministerial approval. With respect to personnel, the consultants concluded that Nigeria's aviation authority employs more people than necessary. Some of the excess staff, whom the NCAA is obligated to employ, are the Minister's appointees. (Comment. This problem is not unique to the Aviation Ministry. The GON suffers from excess personnel across the board. Regarding funding, the Minister is unlikely to relinquish financial control, especially if she is forced to transfer safety oversight to the DG. End Comment).

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Comment  
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18. (SBU) Nigeria's slow progress toward implementing the recommendations of the 2001 ICAO inspection, even with FAA technical assistance, is disconcerting. While the Minister and the NCAA regularly express their hopes of attaining Category I certification, they have little to show to warrant such action. Why so few recommendations have been implemented is unclear. Limited institutional capacity, lack of training, and an inadequate budget all partly explain the reasons.

19. (SBU) The Minister herself is not beyond reproach. She insists on maintaining tight control over all civil aviation activities, from granting landing rights to deciding who can hold placards for arriving passengers at Murtala Muhammed International Airport in Lagos. Her untimely approval of training requests is an example of how her unwillingness to delegate authority hampers the NCAA's effectiveness. It will be interesting to see if the incumbent Minister returns should Obasanjo win reelection.

110. (SBU) But the largest hurdle remains lack of legislation granting NCAA autonomy over safety issues, a problem that USG assistance cannot resolve. Considering that the National Assembly's attention is firmly focused on the April 19 national elections, a law is unlikely to be passed soon that would permit Nigeria to attain Category I status anytime in the near future.

JETER